

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

IN RE APPLICATION OF: BECTON	)	3:15-cv-00233-HDM-WGC
DICKINSON GmbH AND BECTON	)	
DICKINSON AUSTRIA GmbH FOR THE	)	
TAKING OF THOMAS C. KURACINA'S	)	ORDER
DEPOSITION AND FOR THE PRODUCTION	)	
OF DOCUMENTS FROM THOMAS C.	)	
KURACINA AND INJECTIMED INC., FOR	)	
USE IN A FOREIGN PROCEEDING UNDER	)	
28 U.S.C. § 1782(a)	)	
_____	)	

Before the court is the Application of Becton Dickinson GmbH and Becton Dickinson Austria GmbH (collectively referred to herein as "BD") for leave to serve subpoenas seeking the taking of deposition testimony and production of documents from Thomas C. Kuracina and Injectimed Inc. for use in a foreign proceeding under 28 U.S.C. § 1782(a) (the "Application"). By the Application, BD seeks discovery from Mr. Thomas C. Kuracina and Injectimed Inc. For the reasons stated below, the court **GRANTS** the application.

**Discussion**

The purpose of § 1782 is "to provide federal-court assistance in gathering evidence for use in foreign tribunals." *Intel Corp. v. Advanced Micro Devices, Inc.*, 542 U.S. 241, 262 (2004). Section

1 1782 prescribes as follows:

2 (a) The district court of the district in which a  
3 person resides or is found may order him to give his  
4 testimony or statement or to produce a document or  
5 other thing for use in a proceeding in a foreign or  
6 international tribunal, including criminal  
7 investigations conducted before formal accusation. The  
8 order may be made pursuant to a letter rogatory issued,  
9 or request made, by a foreign or international tribunal  
10 or upon the application of any interested person and  
11 may direct that the testimony or statement be given, or  
12 the document or other thing be produced, before a  
13 person appointed by the court. By virtue of his  
14 appointment, the person appointed has power to  
15 administer any necessary oath and take the testimony or  
16 statement. The order may prescribe the practice and  
17 procedure, which may be in whole or part the practice  
18 and procedure of the foreign country or the  
19 international tribunal, for taking the testimony or  
20 statement or producing the document or other thing. To  
21 the extent that the order does not prescribe otherwise,  
22 the testimony or statement shall be taken, and the  
23 document or other thing produced, in accordance with  
24 the Federal Rules of Civil Procedure. A person may not  
25 be compelled to give his testimony or statement or to  
26 produce a document or other thing in violation of any  
27 legally applicable privilege.

28 28 U.S.C. § 1782.

29 The 28 U.S.C. § 1782(a) statutory requirements are met when  
30 (1) the person from whom discovery is sought resides or is found in  
31 the judicial district in which the § 1782 application is made; (2)  
32 the discovery is for use in a proceeding before a foreign tribunal;  
33 and (3) the person seeking discovery is an interested person.

34 *Consortio Minero, S.A. v. Doe Run Res. Corp.*, No. 4:11-MC-583, 2011  
35 U.S. Dist. LEXIS 112414, at \*4-5 (E.D. Mo. Sept. 30, 2011). The  
36 court finds the statutory requirements to be satisfied. In  
37 particular, the court finds that Mr. Thomas C. Kuracina and  
38 Injectimed Inc. are found or reside within this district; that the  
39 discovery is for use in a foreign tribunal; and that Becton  
40 Dickinson GmbH and Becton Dickinson Austria GmbH are interested

1 persons in the foreign proceedings.

2       Moreover, having considered each of the discretionary factors  
3 set out by the United States Supreme Court in *Intel Corp.*, the  
4 court further finds that those factors weigh in favor of granting  
5 the Application. Accordingly, the court exercised its discretion to  
6 grant the Application.

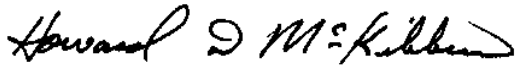
7 **Conclusion**

8       Based on the foregoing, the court **GRANTS** the Application.

9       It is therefore **ORDERED, ADJUDGED AND DECREED** that Applicants  
10 shall have leave to serve Mr. Kuracina and Injectimed Inc. with the  
11 subpoenas annexed to the Application.

12       IT IS SO ORDERED.

13       DATED: This 22nd day of May, 2015.

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15 UNITED STATES DISTRICT JUDGE  
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